

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF THE STATE FIRE MARSHAL  
REGARDING THE 2007 CALIFORNIA FIRE CODE  
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9.**

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The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE AND RATIONALE**

(Government Code Section 11346.2 requires a statement of specific purpose of each adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (OSFM) is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section in regards to the annual code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 International Fire Code and published as the 2007 California Fire Code.

The general purpose of this proposed action is principally intended to update the California Fire Code (California Code of Regulations, Title 24, Part 9) based upon updated information or recent actions of the OSFM, State Law or Federal law. This proposed action:

- Repeal amendments to the 2006 International Fire Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2006 International Fire Code that address inadequacies of the 2006 International Fire Code as they pertain to California laws.
- Bring forward previously existing California amendments, which represent no change in their effect from the 2001 California Fire Code. Some of the existing California amendments will be amended as follows:
  - Renumbering in order to fit into the newly adopted text of the 2006 International Fire Code.
  - Adding or changing the references to the application authority of SFM.
  - Language changes for clarification of existing law.
  - Not adopting into the text of the 2006 International Fire Code .
- Codify non-substantive editorial and formatting amendments to the 2007 California Fire Code.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

## CHAPTER 2

### **[B] FIRE-RETARDANT TREATED WOOD**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

### **[B] LABORATORY SUITE**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

### **[B] OCCUPANCY CLASSIFICATION**

#### **Business Group B**

#### **Institutional Group I**

#### **Group L Laboratories**

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### **[B] WINERY CAVES**

SFM is proposing the repeal of this sentence for the definition of wine caves that is in conflict with the incorrect. The provisions and definitions for wine caves are found in Section 436 of Title 2, Part 2. SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## CHAPTER 6

### **604.2.15.1.1**

### **604.2.15.1.3**

### **604.2.15.3**

SFM is proposing these amendments to maintain a 6 hour fuel supply for high rise and fire pumps. these amendments correlate the 8 hour fuel supply for fire pumps from that of NFPA 20 as referenced in section 913. This will also eliminate the possible use of utility gas as the primary source of the emergency generator. Both NFPA 70 and 110 state when the "utility gas" is reliable and dependable, however the IFC states "when approved". Although

the ideal situation is that utility gas would not be approved in California because of seismic events, this will eliminate that possibility from happening.

During the Building Standards Commissions Building Fire and Other Code Advisory Committee, OSFM provided modifications to these sections to further clarify on premise fuel supply requirements and reference the appropriate sections and national standards

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#### **607.4**

##### **607.4.1**

##### **607.4.2**

##### **607.4.3**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code Sections 3006.5, 3006.5.1, 3006.5.2.**

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## **CHAPTER 8**

### **TABLE 803.3**

Table 803.3 revised to correct omission of Group L occupancy. SFM is proposing this amendment that is derived from SFM amendments proposed to the IBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the IBC and SFM is proposing amendments to the section, those same amendments are correlated into the IFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## **CHAPTER 9**

### **903.2.1.2**

### **903.2.1.3**

### **903.2.2**

### **903.2.3.1**

### **903.2.6**

OSFM is proposing to replace the general provision limiting the use of fire walls for automatic sprinkler requirements in CBC section 705.1.2 with amendments to CFC Sections 903.2.1.2, 903.2.1.3, 903.2.2, 903.2.3.1 and 903.2.6. This proposal makes the provisions specific to the occupancies for which it was intended under the 2001 CBC with the 2006 IBC/IFC provisions without creating conflicting requirements in the 2007 CBC/CFC for the following reasons:

The 2007 CBC incorporated from the 2001 CBC the limitation on uses of fire walls (formerly area separation walls) in the creation of separate buildings for sprinkler purposes. There are two significant differences in the IBC compared to the UBC with respect to sprinkler protection and building construction: Fire Area and Fire Barrier. In addition, compared to the 2001 CBC, the 2006 IBC requires sprinklers in more occupancies. For example the IBC requires sprinklers in all Group A-3 occupancies with a fire area exceeding 12,000 square feet. This applies to health clubs, museums, churches bowling alleys and community halls. Thus for a 20,000 square foot church, it will either be sprinklered or divided by a fire barrier into two smaller fire areas. The 2001 CBC only required sprinklers for 4 uses that are now in the A occupancies: Dining and drinking establishments, Libraries, Exhibition rooms and Multiplex theaters. Under the 2001 CBC, a 20,000 square foot church would neither be sprinklered nor separated into 2 fire areas by a fire barrier.

By applying the 2001 CBC prohibition on the use of fire walls to the 2007 code, there is a significant increase in sprinkler requirements not only above the 2001 CBC, but also above the 2006 IBC.

Background:

#### **2001 CBC**

Sprinkler requirements based on area, number of units, number of occupants:

Dining and Drinking

Exhibition and Display

Group E

F – Woodworking

Group H-4

Group M

R-1 (R-2)

Sprinklers required regardless of size:

Multi-theater complexes

Libraries

Group H1, H2, H3, H6, H7, H8

All Group I

#### **2007 CBC/CFC**

Sprinkler requirement based on area, number of units, number of occupants

All A occupancies

Group E

Group F-1

F- Woodworking

Group M

Group S-1

Sprinkler required regardless of size:

Libraries

All Group H

All Group I

All Group L

All Group R1, R2, R4.

After further review of the two codes, the only 2001 CBC occupancies that were limited by the fire wall (area separation wall) prohibition that are still regulated by area are Group A-2, Group A-3 exhibition spaces, Group E, Group M and Group F-1 Woodworking. To maintain what was required for sprinklers in the 2001 Code, the proposed amendments replace the requirement in 705.1.2 with specific limits for those 5 occupancies. The change would allow the use of either fire barriers or fire walls to establish fire areas in the other occupancies that under the 2007 CBC are required to have sprinklers, but were not required to have sprinklers under the 2001 CBC.

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and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **903.2.7**

During the adoption and amendment of the 2007 California Codes this provision from CCR, Part 2, California Building Code, 415A was inadvertently not brought forward and needs to be maintained for consistency in CCR, Part 2, California Building Code, 425 (specifically section 425.8.3.3 for RCFE).

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#### **903.4.2**

This code section has caused a great deal of confusion and misapplications. Many code enforcement officials have interpreted this section to require a complete occupant notification system (including strobes) throughout a building when only a sprinkler waterflow monitoring system is required. A common reason for this code misapplication comes from the lack of a specific definition in the model codes and previous NFPA 72 editions for a “sprinkler monitoring system” to differentiate this function from an actual defined building fire alarm system. A fire sprinkler system with a defined number of sprinkler heads has been the only item in the model codes that has required off premises monitoring. The requirement for off-premises fire sprinkler monitoring was never intended to evolve into a complete occupant notification/evacuation system throughout a building where it is not otherwise specifically required by the model code.

A previous code change proposal to this section introduced a new definition found in the latest edition of NFPA 72 for “dedicated function fire alarm” systems. Though this is a step forward to clearly define that specific “dedicated” fire alarm functions aren’t intended to provide a complete fire alarm system, there is still a need to specifically define sprinkler monitoring requirements to limit the opportunity to interpret beyond what is intended for this function. It makes absolutely no sense to advocate the requirements for installing fire sprinkler systems in buildings when other basic code requirements continue to be manipulated to add the unnecessary cost of fire alarm system features when it was never intended or required by the model code. Unfortunately, this has become a code item that needs definitive prescriptive language.

Text is added to clearly specify that only one exterior audible waterflow alarm is intended by this section. This prescriptive language is intended to end the debate over the need to add an audible device in each unit of a multi-tenant building or each floor of a multi story building. Other text was consolidated into the initial sentence and subsequently deleted to simplify the general section.

The last sentence is proposed to further clarify that visible alarm notification appliances are not required for an automatic sprinkler system when no other building fire alarm system is required.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **906.1**

Group L occupancies added to 906.1 to be consistent with H4 (formerly H7) Occupancy for Group L occupancies. furthermore this is being added to correlate between the Fire Code and the Building Code provisions. See additional amendments to CCR, Part 2, California Building Code, Section 443.

SFM is proposing this amendment that is derived from an existing SFM amendment in the IBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is

following the format of the code in these instances; where the primary code is the IBC and SFM is proposing amendments to the section, those same amendments are correlated into the IFC as amendments.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **907.2.8.4**

SFM is including missing language to complete the sentence.

During the Building Standards Commissions Building Fire and Other Code Advisory Committee, OSFM provided modifications to these sections to further clarify where the manual fire alarm pull is to be located in a mixed use building as a result of committee discussions.

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#### **907.2.12.1**

Item 2 is added for clarification and to avoid confusion with the requirements of item 1. Elevator machine rooms and elevator lobbies are required to have smoke detectors for elevator recall even if these locations are protected by sprinklers. By moving them to a separate line, it should reduce any misunderstanding in interpretation in the code.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **907.2.12.2**

A separate duct smoke detection section is being added to correlate with the requirements of the International Mechanical Code and to clarify that duct smoke detectors shall be listed for use in air duct system applications due to higher air velocities, temperatures and humidity's inside HVAC ducts. This proposal will also the use of a supervisory signal in lieu activation of the fire alarm notification appliances (emergency voice alarm/communication ) which is consistent with the requirements of the International Mechanical Code and NFPA 72.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **907.2.28**

SFM is proposing this amendment to correlate between the Fire Code and the Building Code provisions. See additional amendments to CCR, Part 2, California Building Code, Section 443.

SFM is proposing this amendment that is derived from an existing SFM amendment in the IBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the IBC and SFM is proposing amendments to the section, those same amendments are correlated into the IFC as amendments.

Comments received from the Building Standards Commissions Building Fire and Other Code Advisory Committee recommend that the proposed amendment be further clarified with regards to the location of the manual fire alarm box in buildings containing mixed uses. OSFM agrees with the committee recommendation and has revised the language to specify that the manual fire alarm pull box is to be located in the L occupancy

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **907.12**

SFM is proposing to modify this section to clarify that duct smoke detectors shall be listed for the air velocity, temperature and humidity present in the duct system (due to the higher air velocities, temperatures and humidity's inside HVAC ducts) and to correlate with the fire safety function requirements of the California Mechanical Code (HVAC shut-down and fire-smoke damper activation). The language in this proposal is also consistent with the requirements of NFPA 72.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **907.10.1**

This code section has caused a great deal of confusion and misapplications. Many code enforcement officials have interpreted this section to require a complete occupant notification system (including strobes) throughout a building when only a sprinkler waterflow monitoring system is required. A common reason for this code misapplication comes from the lack of a specific definition in the model codes and previous NFPA 72 editions for a "sprinkler monitoring system" to differentiate this function from an actual defined building fire alarm system. A fire sprinkler system with a defined number of sprinkler heads has been the only item in the model codes that has required off premises monitoring. The requirement for off-premises fire sprinkler monitoring was never intended to evolve into a complete occupant notification/evacuation system throughout a building where it is not otherwise specifically required by the model code.

A third exception was added to 907.10.1 to further clarify that visible alarm notification appliances are not required for an automatic sprinkler system in accordance with Section 903.4.2 when no other building fire alarm system is required. This code change proposal is a necessary item for correlation purposes with two other proposals.

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#### **910.1**

Early suppression fast response (ESFR) sprinkler systems are no more reliable than conventional sprinkler systems in areas subject to significant earthquakes. The code does not allow these exceptions for conventional sprinkler systems so they should not be allowed for ESFR sprinkler systems, either, in California where there is a high probability that a significant earthquake could occur. Such an event would likely disrupt the water supplies to the ESFR sprinkler system, as well as to the building site, rendering the system inoperable. Since smoke and heat vents can serve as a back up to sprinkler systems in supporting fire fighting operations, they should not be eliminated where ESFR sprinkler systems are provided.

This amendment will not increase the cost of construction as compared to the 2001 California Fire Code. It is estimated that it will have no significant cost impact on construction as compared to the 2007 California Fire Code since the deleted Exception is tied to the installation of an ESFR sprinkler system which costs considerably more than a conventional sprinkler system which is also allowed to protect the affected occupancies.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **910.3.1**

The purpose of this proposed amendment is to allow for smoke and heat vents to be listed and labeled in accordance with other nationally recognized standards instead of specifying only UL 793. Currently there are at least two other standards available for listing and labeling smoke and heat vents for their intended purpose. They are FM 4430-80 Heat and Smoke Vents and ICC ES AC 333 Acceptance Criteria for Smoke and Heat Vents. This would also allow for smoke and heat vents to be listed and labeled in accordance with an ICC Evaluation Service, Inc. Evaluation Report or even a legacy ICBO Evaluation Service, Inc. Evaluation Report.

It is not necessary from a fire performance perspective to limit listing and labeling of smoke and heat vents to only UL 793 Standard for Automatically Operated Roof Vents for Smoke and Heat. The other above mentioned standards have proved suitable over the years and should not be excluded. The main reason they are currently excluded from reference in the IBC and the IFC is that those standards were not developed through an ANSI approved consensus process as is required for any standards referenced in the IBC. Thus, the rules of procedure for referenced standards in the ICC will not allow the FM or ICC ES standards to be referenced.

This amendment will also make the code consistent with NFPA 204-2002 Standard for Smoke and Heat Venting which also requires smoke and heat vents to be listed and labeled in accordance with all of these same standards or any other approved nationally recognized standard as specified in Section 5.1 of that document. So acceptance of this amendment will result in consistency with another nationally recognized standard and will also provide appropriate guidance to listing and labeling agencies as to the other available standards that may be utilized for evaluating smoke and heat vents for use in accordance with the IBC and the IFC. This will also be consistent with the way that the current CBC and CFC regulate smoke and heat vents.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## **CHAPTER 10**

### **Sections 1008.1.2, 1008.1.8.6, 1008.1.9, 1015.1, 1017.2, 1017.4, 1025.3.1**

#### **Tables 1004.1.1, 1015.1, 1016.1, 1017.1**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **1011.6**

#### **1011.7**



SFM is proposing these amendments to coordinate the provision between the CBC and the CFC. During the adoption and amendment of the 2007 CBC and CFC the initial draft language for these sections was not updated and completed unlike the CBC which has the correct language as codified.

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## **CHAPTER 22**

### **2203.1**

Correction of Typographical error

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

### **2206.7.6**

This proposed amendment for fuel delivery nozzles is to implement the provision of Health and Safety Code Section 41960.6, see 41960.6 below:

Health and Safety Code Section 41960.6.

(a) No retailer, as defined in subdivision (g) of Section 20999 of the Business and Professions Code, shall, on or after July 1, 1992, allow the operation of a pump, including any pump owned or operated by the state, or any county, city and county, or city, equipped with a nozzle from which gasoline or diesel fuel is dispensed, unless the nozzle is equipped with an operating hold open latch. Any hold open latch determined to be inoperative by the local fire marshal or district official shall be repaired or replaced by the retailer, within 48 hours after notification to the retailer of that determination, to avoid any applicable penalty or fine.

(b) For purposes of this section, a "hold open latch" means any device which is an integral part of the nozzle and is manufactured specifically for the purpose of dispensing fuel without requiring the consumer's physical contact with the nozzle.

(c) Subdivision (a) does not apply to nozzles at facilities which are primarily in operation to refuel marine vessels or aircraft.

(d) Nothing in this section shall affect the current authority of any local fire marshal to establish and maintain fire safety provisions for his or her jurisdiction.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## **CHAPTER 23**

**Table 2306.2 footnote j**

Early suppression fast response (ESFR) sprinkler systems are no more reliable than conventional sprinkler systems in areas subject to significant earthquakes. The code does not allow these exceptions for conventional sprinkler systems so they should not be allowed for ESFR sprinkler systems, either, in California where there is a high probability that a significant earthquake could occur. Such an event would likely disrupt the water supplies to the ESFR sprinkler system, as well as to the building site, rendering the system inoperable. Since smoke and heat vents can serve as a back up to sprinkler systems in supporting fire fighting operations, they should not be eliminated where ESFR sprinkler systems are provided.

This amendment will not increase the cost of construction as compared to the 2007 California Fire Code. It is estimated that it will have no significant cost impact on construction as compared to the 2007 California Fire Code since the deleted Exception is tied to the installation of an ESFR sprinkler system which costs considerably more than a conventional sprinkler system which is also allowed to protect the affected occupancies.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

**CHAPTER 27****Table 2703.1.1(1) footnote d:****Table 2703.1.1(2) footnote e:**

Eliminates allowable increases in hazardous materials for sprinklers consistent with Section 443.3. See additional amendments to CCR, Part 2, California Building Code, Section 443.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

**CHAPTER 34****3404.3.1.2**

Pursuant to Health and Safety Code Section 13139, the State Fire Marshal is required to approve and or list portable gasoline containers of 10 gallons or less capacity.

The proposed regulations will require portable fuel containers of 10 gallons or less capacity be approved and listed by the State Fire Marshal and shall comply with the provision of Title 19 California Code of Regulations.

Existing regulations do not address the approval and listing of "child-resistant" portable gasoline containers by the State Fire Marshal.

The State Fire Marshal has utilized an ad hoc committee comprised of portable gasoline container manufacturers to analyze the proposed portable gasoline container requirements.

This requirement is necessary to implement the provisions of Health and Safety Code Section 13139, which mandates that on or before January 1, 2008, the State Fire Marshal shall approve and list portable gasoline containers and that no person shall sell, offer for sale, or possess for sale, on or after April 1, 2008, portable gasoline containers that have not been listed and approved by the State Fire Marshal.

In addition, the specific reference to Title 19 is necessary to ensure correlation of the requirements. Note: A regulatory change is being concurrently submitted to the Office of Administrative Law to include the requirements for portable gasoline containers into Title 19 California Code of Regulations.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## **CHAPTER 45**

### **ASTM E2010 and E2074**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

### **FM 4430-80**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

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### **ICC ES AC77**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

### **ICC ES AC 333**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

### **2007 NFPA 14 Amendments**

#### **6.3.7.1**

This amendment is necessary to identify requirements when a building has other fire protection systems installed.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

### **2007 NFPA 24 Amendments**

#### **4.2.1**

This amendment is necessary to correlate with California State Licensing Board regulations.

#### **4.2.2**

This amendment is necessary to ensure that any work to install or modify a private fire service main will not begin until plans have been reviewed and approved and appropriate permits are secured.

#### **4.2.2.1**

The new section is necessary to address emergency repair of private fire service mains and the deferred requirement for documentation. See additional geological conditions below

#### **5.9.1.2**

This amendment is necessary to ensure that fire department connections are properly protected. See additional topographical and geological conditions below

#### **5.9.5.1**

This amendment is necessary to ensure that the fire department has input into the placement of the fire department connection.

#### **10.6.5**

This amendment is necessary to ensure that no mechanical joints are located under a building or building foundation. See additional geological conditions below

#### **10.9.1**

This amendment is necessary to ensure that fire suppression systems piping integrity is maintained.

#### **I. Climatic Conditions:**

A major portion of California is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry winds, which may reach speeds of 70 M.P.H. or

greater, are also common to these areas. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the affected areas. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, will greatly impact the response time to reach an incident scene. Additionally, there is a significant increase in the amount of wind force at 60 feet above the ground. Use of aerial type fire fighting apparatus above this height would place rescue personnel at increased risk of injury.

The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the local fire departments ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the state.

Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features. It would also leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water to floors in a fire.

These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

## II. Topographical Conditions:

Natural slopes of 15 percent or greater generally occur throughout areas in the state. With much of the populated flatlands in many of the states metropolitan areas already built upon, future growth will occur in steeper slopes and greater constraints in terrain. These areas will strain.

Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout the state. Projections show the traffic flow decreasing over the next 25 years as the population increases.

These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

## III. Geological Conditions:

The State of California has densely populated areas that have buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size that the 1994 Northridge and the 1971 Sylmar earthquakes. In the Northridge earthquake there were numerous sprinkler systems that failed due in large part to the hanging and bracing failure. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles delaying or preventing response.

Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) requirements for a given structures. Enhancing the reliable and performance of the sprinklers system is prudent and necessary for the protection of people, property and the environment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

## **2007 NFPA 72 Amendments**

SFM is proposing to adopt the current 2007 edition of NFPA 72 National Fire Alarm Code. This current edition of NFPA 72 is the most up-to-date fire alarm standard

### **4.4.4.3.**

SFM is proposing this amendment to reference the California Electrical Code.

### **4.4.4.4.**

SFM is proposing to carry over the existing amendment without change.

### **4.4.5**

SFM is proposing to delete exception # 2 in the 2007 edition of NFPA 72 which allows sprinklers to be substituted for a smoke detector located in the room for the protection of a fire alarm control unit. The current SFM adopted requirements do not allow sprinklers to be substituted for a smoke detector for the protection of a fire alarm control unit. Most fire alarm control units are only listed for use in areas of 100 degrees or less, where as most fire sprinkler heads in commercial buildings have a rating of 160 degrees or more. A smoke detector located in the room where the fire alarm control equipment is located will potentially offer advance warning of fire or smoke, thus allowing the fire alarm system to activate prior to the control unit being rendered totally inoperable by fire.

### **5.13.4**

SFM is proposing this amendment to correlate with the renumbering of NFPA 72 (2007).

### **5.13.8**

SFM is proposing this amendment to correlate with the renumbering of NFPA 72 (2007).

### **5.14**

SFM is proposing this amendment to correlate with the existing fire extinguisher requirements in the CFC and California Code of Regulations, Title 19.

### **6.4.2.2.2**

SFM is proposing to carry over the existing amendment without change.

### **6.8.5.1.2**

SFM is proposing to add sprinkler monitoring systems only to the existing exception where a least one manual fire alarm box is required to correlate with the existing 2007 CFC and CBC Section 907.2 which exempts fire alarm systems dedicated for the monitoring of sprinkler systems only from being required to install a manual fire alarm box.

### **6.8.5.4.1**

SFM is proposing this amendment to correlate with the renumbering of NFPA 72 (2007)..

### **6.8.5.4.1**

SFM is proposing to carry over the existing amendment without change.

### **7.4.1.2.**

SFM is deleting this existing amendment since the maximum fire alarm audibility requirement of 110dBA is already addressed in the 2007 Edition of NFPA 72, Section 7.4.1.2.

### **7.4.3.1.**

SFM is deleting this existing amendment since the maximum fire alarm audibility requirement of 110dBA in the private mode is already addressed in the 2007 Edition of NFPA 72, Section 7.4.1.2.

#### 11.7.2.1

SFM is proposing to carry over the existing amendment without change.

#### 11.7.5.7.1

SFM is proposing to carry over the existing amendment without change.

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#### NFPA 80

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### APPENDIX CHAPTER 1

SFM is proposing to adopt only those Sections in Appendix Chapter 1 listed in the matrix adoption table.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### APPENDIX CHAPTER 4

##### **425.3, 425.3.1, 425.3.2, 425.3.3, 425.5, 425.5.1, 425.8.6.1, 425.8.7.1, 425.8.8, 425.2.3, 425.10**

SFM is proposing these amendments that are derived from the SFM amendments proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. Code sections that have [B] in front of them are considered by the ICC Building Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments. **For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial Statement of Reason for CCR, Title 24, Part 2 California Building Code Section 425.**

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2006 International Building Code and published as the 2007 California Building Code pursuant to Health and Safety Code Section 18949.2, 13108, 13113, 13114, 13131.5, 13143 and 17921.

#### **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None

#### **CONSIDERATION OF REASONABLE ALTERNATIVES**

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate)

None. There were no alternatives available to SFM. SFM is required by statute to adopt model codes by reference.

#### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.**

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

SFM has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

#### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.**

(Government Code Section 11346.2(B)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies in to support an initial determination that the action will not have a significant adverse economic impact on business)

None.

#### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

(Government Code Section 113465.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives)

These regulations neither duplicate nor conflict with federal regulations.